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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, बृहस्पतिवार, जून 6, 1991/ज्येष्ठ 16, 1913

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इस भाग में खेल पृष्ठ संख्या वी जाती है जिससे इक यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय

प्रधिकार

नई दिल्ली, 6 जून, 1991

का. आ. 388(अ) :- केन्द्रीय सरकार ने, विधि विषय क्रियाकलाप (नियारण) अधिनियम, 1967 (1967 का 37) की घारा 3 की उपघारा (1) घारा प्रवल शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की प्रधिकारना सं. का. आ. 917 (अ) तारीख 27 नवम्बर, 1990 घारा नेशनल सोशलिस्ट कार्डिनल आफ भागावेष्ट (एन एस सी एन) को जिसके अस्तरांत उसके सभी गृह और विवर हैं, विधि विषय संगम घोषित किया था;

और केन्द्रीय सरकार ने, उक्त अधिनियम की घारा 5 की उपघारा (1) घारा प्रवल शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की प्रधिकारना सं. 950 (अ), तारीख 20 दिसम्बर, 1990 घारा विधि विषय क्रियाकलाप (नियारण) अधिकरण का गठन किया था जिसमें गुवाहाटी उच्च न्यायालय के न्यायाधीश श्री शीलेन्द्र नाथ पूर्णन थे;

और केन्द्रीय सरकार ने, उक्त अधिनियम की घारा 4 की उपघारा (1) घारा प्रवल शक्तियों का प्रयोग करते हुए, उक्त प्रधिकारना 26 दिसम्बर, 1990 को उक्त अधिकरण को यह आयोगित करने के प्रयोजन के लिए निर्देशित की थी कि उक्त संगम को जिसके अन्तर्गत उसके सभी गृह और विवर हैं, विधि विषय घोषित करने का पर्याप्त हेतु है पा नहीं;

और उक्त अधिकरण ने, उक्त अधिनियम की घारा 4 की उपघारा (3) घारा प्रवल शक्तियों का प्रयोग करते हुए, 25 मई, 1991 को एक आवेदन किया था, जिसमें प्रधिकारना सं. का. आ. 917 (अ) तारीख 27 नवम्बर, 1990 में की गई घोषणा की पुष्टि की गई थी;

परन्तु आवेदन के अनुसार, केन्द्रीय सरकार, उक्त अधिनियम की घारा 4 की उपघारा (4) के अनुसार मैं उक्त आवेदन को प्रकाशित करती हूँ।

[का. सं. 11/57/90 - एन. ई. I]
विनय शंकर, संयुक्त सचिव (एमई)

**MINISTRY OF HOME AFFAIRS
NOTIFICATION**

New Delhi, the 6th June, 1991

S.O. 388(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the National Socialist Council of Nagaland (NSCN) including all its factions and wings as unlawful association, vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 917(E), dated the 27th November, 1990;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted, vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 950(E), dated the 20th December, 1990, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice Sailendra Nath Phukan, Judge of the Gauhati High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 26th December, 1990, for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association including all its factions and wings as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act made in order on the 25th May, 1991, confirming the declaration made in the notification No. S.O. 917 (E), dated the 27th November, 1990;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order, namely :—

ORDER

By notification No. 917(E) dated 27-11-90 issued by the Ministry of Home Affairs, Government of India, Central Government, in exercise of powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) for short, 'the Act' declared the National Socialist Council of Nagaland including all its factions and Wings shortly, NSCN as unlawful association. By the said notification in exercise of powers conferred by the proviso to sub-section (3) of the said Section 3 for reasons recorded in the notification directed that notification shall have effect from the date of its publication in the Official Gazette. By notification No. S.O. 950(E) dated 20-12-90 in exercise of powers conferred by sub-section (1) of Section 5 of the Act, the Central Govt. constituted the present Tribunal, namely, "Unlawful Activities (Prevention) Tribunal". I quote below the notification in question dated 27-11-90.

MINISTRY OF HOME AFFAIRS

New Delhi, the 27th November, 1990

NOTIFICATION

S.O. 917(E).—Whereas the National Socialist Council of Nagaland, and all factions and Wings thereof under various leaders, hereinafter referred to as NSCN, and the agencies purporting to act on or behalf of NSCN or in its name :

- (1) has been declaring as its objective the securing to the people of India in Nagaland, the right to establish sovereign Nagaland, and thereby to secede from India,

- (2) has been engaging in activities intended to disrupt the sovereignty and integrity of India.
- (3) in pursuance of its objective has, from time to time reiterated its commitment to pursue the violent path for achieving its objective and unleashing a reign of terror and undermining the authority of the lawfully established government. The violent activities include (a) ambushes and attacks on posts, patrols and personnel of the security forces and the police with a view to inflicting casualties and snatching arms and ammunition, (b) looting and robberies of government treasuries, nationalised banks and other commercial establishments for augmenting their finances, (c) assassination of persons allegedly opposed to their interest and killing of civilians suspected to be informers of the security forces of the police, (d) extortion of funds, collection of rations, enlistment of new recruits etc.

And whereas the Central Government is of the opinion that on the materials placed before it, the NSCN is an unlawful association :

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the National Socialist Council of Nagaland (NSCN) including all its factions and wings as unlawful association.

The Central Government is further of opinion that having regard to the circumstances namely, the urgent need to meet the sustained violence committed by the NSCN in the recent past against the police, the other armed forces and the civilians, it is necessary to declare the NSCN as unlawful association with immediate effect, and accordingly in exercise of the powers conferred by the proviso to sub-section (3) of that section the Central Government directs that the notification shall subject to any order that may be made under section 4 of the said act, have effect from the date of its publication in the Official Gazette.

[File No. 11/42/86-NE.I (Vol. III)
VINAY SHANKAR, Jt. Secy.

2. The Tribunal by order dated 28-1-91 passed in its sitting at New Delhi directed issuance of notice as required under the Act and Rules framed thereunder. Notices were duly published in the newspaper, TV, A.I.R., and also as provided under the rules. But NSCN or its factions and wings did not appear before this Tribunal.

3. On behalf of the Government of India, a brief resume regarding the aims, objects and activities of NSCN, has been filed. In addition and affidavit has also been filed on behalf of the Central Government. On behalf of the Governments of Manipur and Arunachal Pradesh, two affidavits have been filed supporting the case of the Government of India and the notification in question.

4. From reading the resume following facts are relevant. The areas now included in the State of Nagaland were part of British India and after independence, it became part of the territory of India. These areas are inhabited by the members of the Scheduled Tribes known as Nagas. After independence, the Nagas under the leadership of Late A. Z. Phizo made efforts for attaining independence and for this purpose started underground activities. These areas were part of composite state of Assam and in the year 1963, a State was created now known as State of Nagaland. In the year 1975, an agreement was signed popularly known as "Shillong Accord" with the representatives of Naga

underground organisations who owed their allegiance to late A. Z. Phizo, who was the President of the Naga National Council. This agreement had to be signed as even after granting statehood, the insurgency of Nagas did not die down. Even the Shillong accord was not endorsed by all Naga underground elements and consequently the insurgency has been continuing. On 21-1-90 NSCN was formed by underground leaders who were not parties to Shillong Accord and who owed their allegiance to late A. Z. Phizo. These underground leaders felt betrayed over signing of the "Shillong Accord". On 21-3-1980 a parallel government called "The Government of People's Republic of Nagaland" was formed and steps were taken for geographical demarcation of the area of the said State from the parts of the territories of India and Burma mainly inhabited by Nagas. These areas were declared as their own country by the so called Government and these areas were also divided into several territorial jurisdiction. The so called Government of the People's Republic of Nagaland also demarcated the administration into civilian and military wings of the administration and is appointing officers at various levels and collecting taxes. The Government is enlisting powers for training by military wing. In other words, steps have been taken to maintain the facade of a Government.

5. Another aim of the NSCN is dismemberment of the country and has declared its intention to extend support to other secessionist groups. It may be stated that in NSCN there are two rival factions, one lead by S. Khaplang and the other by Isak Swu and Th. Muivah. But aims and objects of both the factions are same. The faction lead by S. Khaplang has formed 'United Front' with other Extremists groups operating in the North-East known as Indo-Burmese Revolutionary Front. It has been stated that as part of the secessionist design, NSCN has formed a so called parallel Government, namely, "Government of the People's Republic of Nagaland" with trappings of civil set-up and a Constitution. NSCN has also been maintaining an Armed wing known as Naga Army in the pattern of regular Army and conferring military ranks with a view to carry out armed struggle against the Union of India. This Army has been equipped with large number of weapons including sophisticated weapons.

6. The activities of NSCN include laying of ambushes and attacks on security forces and guards and snatching of weapons, looting of banks, extortions and collections of taxes etc. NSCN led by S. Khaplang called the National Assembly Sessions during June 16-23, 1988 somewhere in Burma and resolved to continue its armed struggle to defend the so called "Naga Sovereignty" and pleaded itself to strengthen the 'united front' with other insurgent groups of North East. It also re-affirmed its solidarity with other organisations struggling against India for their independence and the groups engaged in Revolutionary struggle in Burma. The other wing of NSCN led by Isak Swu and Th. Muivah held another 'National Assembly Sessions' and asserted that they were real representatives of NSCN and affirmed Isak Swu and Th. Muivah as Chairman and General Secretary respectively of NSCN and Shri S. Khaplang was expelled from NSCN. In the above session, it was reiterated that NSCN would continue its struggle of defending "Sovereign Independence Nagaland", and also issued a leaflet dated 25-1-90 under captioned "Declaration". It was further declared that the NSCN did not recognise any other Government in Nagaland other than so called the "Government of the People's Republic of Nagaland".

7. According to the Union of India, the total strength of NSCN faction led by S. Khaplang is estimated to be about 1400 the other faction has got a strength of 400-500. The details regarding office bearer of 2 factions have been given in Annexure-1.

8. It is alleged that both these factions of NSCN have been continuing their programme of violence and unleashing a reign of terror in the areas in question. In Annexure-II and III of the resume, a statement indicating incidence of violence during the years 1988, 1989 and 1990 have been indicated. These incidents include killing of civilians and

members of security forces, looting of money and snatching away of weapons. The activities of NSCN are at present confined to States of Nagaland, Manipur and Arunachal Pradesh.

9. It has been stated that of late, the law and order situation has been deteriorating both in the States of Nagaland and Manipur due to increase activities of NSCN. According to the Union of India, NSCN is the oldest Secessionist Extremist Organisation operating in the North-East and has provided inspiration for unlawful activities by other insurgent groups. Some of such groups are, namely People's Liberation Army (PLA), United National Liberation Front (UNLF), the Kangleipak Communist Party (KCP) etc. have already been declared as unlawful Association under the Act. Various pamphlet documents advocating its ideology with a view to achieve its aim of secession from the Indian Union have been annexed to the resume.

10. According to the Union of India, NSCN as a whole is a very active secessionist organisation and has been engaged in an armed struggle against the Government of India to achieve its goal of a "Sovereign Independent Nagaland" by bringing about the secession of the State of Nagaland from the Union of India and the subversive and unlawful activities committed by NSCN are highly prejudicial to the Unity, sovereignty and integrity of the country. It has been prayed that undesirable unlawful organisation may be continued as a 'Unlawful Association' under the Act.

11. Following six issues were framed :

- Whether NSCN which is an organisation formed in January, 1980, with all factions and wings thereof, shortly NSCN have declared as their objective namely, the right to establish a Sovereign State of Nagaland, which is a State within India and have also formed "The Government of the People's Republic of Nagaland"?
- Whether NSCN has been engaging in activities intended to disrupt the sovereignty and integrity of India?
- Whether NSCN is trying to secede the State of Nagaland from India?
- Whether in order to achieve the objectives stated in Issue Nos. 1 to 3, NSCN is unleashing a reign of terror in N.E. Regional of India more particularly in the States of Nagaland, Manipur and Arunachal Pradesh by indulging in violent activities such as ambushes and attacks on security forces including civil police, looting and committing robbery of Government Treasuries, nationalised banks and other commercial establishments, assassination of persons including members of the security forces, extortion of funds, collection of taxes and inducing persons to join the organisation?
- Whether there were sufficient materials before the Central Government on 27-11-90 to form the opinion that NSCN is an Unlawful Association in terms of the provisions of the Unlawful Activities (Prevention) Act, 1967 ? and
- Whether the Central Government was justified in declaring NSCN as an Unlawful Association by issuing notification No. S.O. 917(E) dated 27-11-1990?

12. Before this Tribunal, five witnesses have been examined—one on behalf of the Union of India and two each from the States of Manipur and Arunachal Pradesh. Various documents were exhibited and they were marked as Exhibit-1 to 156. In the resume there are four Annexures and Annexure-IV includes as many as 62 documents.

13. During course of the proceeding, it was submitted by Mr. A. R. Borthakur, Advocate General appearing on behalf of Union of India and States of Arunachal Pradesh and Manipur that some important documents in original are with the Government of Nagaland and as these documents

were not produced inspite of the request by the Union of India, notice may be issued by the Tribunal. Accordingly notice was issued on 7-5-91 and it was duly served on the Chief Secretary and the D.G.P., Government of Nagaland on 9-5-91, but unfortunately, noicee was ignored. The Tribunal has initiated appropriate steps against these two officers. In absence of some original documents, Union of India was allowed to rely in photo copy of such documents.

DECISION

Before proceeding to consider the evidence on record, it is necessary to refer to some of the relevant provisions of the Act. The said provisions are Section 2 (b) (d) (f) and (g) and sub-section (1) of Section 3. These provisions are quoted below :

2. Definitions,—

(a) XXX XXX XXX

- (b) "cession of a part of the territory of India" includes admission of the claim of any foreign country to any such part;
- (d) "secession of a part of the territory of India from the Union" includes the assertion of any claim to determine whether such part will remain a part of territory of India;
- (f) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise);—
- (g) "unlawful association" means any association—
 - (i) Which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity, or
 - (ii) Which has for its object any activity which is punishable under Sec. 153-A or Sec. 153-B of the Indian Penal Code (45 of 1860) or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity;

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir.

3. Declaration of an association as unlawful—

- (1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may by notification in the Official Gazette, declare such association to be unlawful.

As none has appeared to defend NSCN including its factions, the responsibility on the Tribunal is heavy as it has to satisfy itself that at the time of issuance of notification, Government of India had sufficient materials for this purpose.

Issues No. 1 and 3

Witness No. 5 is an official of the Central Government and in reply to the question put by the Tribunal this witness specifically stated that original Naga National Council split up into two groups in April, 1988 and the aims and object of the two groups are the same. (This witness deposed from the Intelligence reports available with the record of the Government of India. This record was handed over to the Tribunal for perusal and after going through the report, the Tribunal accepts the statements of this witness). According to this witness even after splitting up into two groups the main aims and objects remained same, these are setting up a sovereign Independent Nagaland under a dictatorship through a single political organisation of Nagas and adopting socialism for its economic goal and for pursuing a policy of United Front with other Revolutionary forces. This witness further deposed that both groups are operating mainly in the hill areas of Manipur, the entire State of Nagaland and also two districts, namely Changlang and Tirap of the State of Arunachal Pradesh.

At this stage a reference can be made to the documents annexer to the Annexure-IV to the resume of the Government of India. I may call out some of the relevant portions of some of the enclosures.

Appendix-1A is a declaration of the interim government of the People's Republic of Nagaland issued by the Executive Chairman, National Socialist Council at Ozing on February 2, 1990. In the said declaration NSCN declared that the name of the new government shall be "Government of the People's Republic of Nagaland" and it was also stated that it shall remain interim until formal adoption of the Constitution. Appendix-1B is a speech by Mr. Isak Chishi Swu, Chairman NSCN delivered on 21st March, 1980. In the said speech it was declared inter alia, that people of Nagaland under the leadership of NSCN shall have a Government that is determined by the people only and any challenge to undo this shall be dealt with as shown enemy of the people. The speech ended with declaration "Long Live Republic of Nagaland" "Long Live National Socialist Council".

Appendix-1C is a pamphlet under the caption 'condemnation of the Lhasa Trip' published by the publicity department, Government of the People's Republic of Nagaland. In this pamphlet, the Shillong accord was criticised. Annexure-1D is a statement signed by three persons, namely, Isak Chishi Swu, S. Khaplang and Th. Muivah, Chairman, Vice chairman and General Secretary of NSCN respectively and in the said statement the leaders who signed the Shillong accord were condemned as traitors and it was declared on behalf of the NSCN to uphold free existence of Nagaland, fate of Naga-people in ALMIGHT GOD and the system of socialism. It was also declared that NSCN would defend the above objectives and to achieve these shall use arms and further there would be no compromise on these issues.

Appendix-II which has also been marked as exhibit-149 is a declaration of NSCN signed by above three persons. In this declaration amongst others the name of the Government as stated above was reiterated and it was also stated that NSCN for unquestionable sovereign right of Naga people over every inch of Naga territory where it may be and there would be no compromise whatever.

Appendix-III is a speech by S. Khaplang dated 21st March, 1982 in his capacity as Vice-chairman, NSCN. On going through this statement, it is clear that NSCN took the responsibility to have independent and free Nagaland and it also condemned late A.Z. Phizo and other persons obviously for the Shillong accord.

Appendix-VI is a statement by Isak Swu, Chairman, NSCN wherein it was stated that Nagas never joined Indian Union or Burma by their free will, that the Shillong accord was signed by traitors and it was further declared that "we rule out illusion of saving Nagaland through peaceful means. — is arms and arms again that will save our nation and ensure freedom to the people".

Appendix-XIII is a pamphlet published by the Publicity Department, NSCN under the caption "Retrospection into Naga political affairs/events" dated 9th July, 1987. It is necessary to quote last but one paragraph which runs as follows:-

"But we are not alone. We have many friends to face the monstar in packs. We have formed United Front with our brothers of Manipur, Assam and with Burmese Revolutionary groups of N.D.F. (National Democratic Front). We are prepared to unit with all the revolutionary groups in the "North Eastern Region" as well as in South East Asia."

Appendix-XVI is an 'Ahza' that is decree issued by Angus P. Jhimray, Secretary, External Affairs, G.P.R.N. calling upon the people not to export mineral and forest products.

Appendix-XV is a pamphlet under the caption "Exodus & Naga Politics" issued by one member of NSCN on 20th April 1988. The following paragraph is relevant for our purpose :-

"NSCN stands of sovereign Nagaland. We do not see the real meaning of a nation apart from sovereignty and we are not begging it from Delhi. We have every right to determine our own future by ou-

selves. All the same, our free existence needs recognition by the world around us". In last but one paragraph it was stated that "NSCN stands for armed revolution."

Appendix-XXI is the proceedings of the emergency session of NSCN by the faction led by S. Khaplang, acting chairman of NSCN and by resolution No. 6, it was resolved that all the Revolutionary United Front partners in the North Eastern Region be called upon for a more vigorous struggle for national self-determination and reaffirmed the support of NSCN to all such parties struggling against India. Appendix-XXII is a statement of the emergency session of NSCN faction led by S. Khaplang, in which activities of Isak Chishi Swu, Chairman and Th. Muivah, General Secretary of the other faction of NSCN were condemned. Appendix XXVI is an address by chairman, S. Khaplang to his faction of NSCN and this address was delivered on 2nd July, 1988. From reading the above documents, it is clear that the aims and object of the faction of NSCN led by S. Khaplang are same, as stated by witness No. 5.

Appendix-XXVII contains quotations extracted from the speeches made by various speakers of NSCN on 20th August, 1988 and it contains as many as 40 items. This was issued on 9th July, 1989. For the present purpose, it may be stated that in these quotations Shillong accord was condemned and so also breaking away of the group led by S. Khaplang. It was stated that "though Nagas do not want war, but when the question of their national doom or salvation has come, they choose salvation with violence rather than doom with non-violence".

Appendix-XXVIII is a speech delivered by the Th. Muivah on 21st March, 1989 and the speech was concluded with the following remarks :

"Every Naga must know : our politics is to fight eternally if India does not keep her hands off Nagaland. We shall also give every effort to reinforce our United Front with the Revolutionary Parties in the North East and in other parts of India."

Mentioned may be made two other documents, namely, Appendices XXXI & XXXII and these documents show the activities of the "Government of the People's Republic of Nagaland". Appendix XXXVIII, the original copy of which also been marked as exhibit 148 is the manifesto and polarisation of the NSCN published by the "Government of the People's Republic of Nagaland". This group of NSCN is under leadership of Isak Chishi Swu, Chairman and Th Muivah. At the end of the manifesto, there is a foot note indicating that Mr. S. Khaplang, former Vice-President had been condemned and expelled from the party and his name was deleted. At the end of the manifesto, there are as many as 5 declarations and declaration (a) runs as follows :—

"(a) National existence :

We stand for the unquestionable sovereign right of the Naga people over every inch of Nagaland wherever it may be and admit of no other existence whatever."

Appendix-LIII, contains impression of the seal of the Chairman, Union Territory NSCN, Dimapur South Sub-Division etc. The original papers in the record of the Ministry have been marked as Exhibits 152 and 153.

So, from the evidence of the witness No 5 and the documents on record particularly the extracts of which have been stated above, this Tribunal holds that the following facts have been proved, namely :

- Originally there was one organisation, namely, Naga National Council led by late A. Z. Phizo;
- After signing the "Shillong Accord" to which some underground leaders were not parties, NSCN was formed in January, 1980 with their declared objective mainly to establish a sovereign State of Naga People by curbing out the areas now included in the State of Nagaland, which is a State within India ;

- There was a split in the NSCN, one led by Isak Chishi Swu and Th. Muivah and other led by S. Khaplang. But aims and objects of two factions remain the same.
- Both the factions have established the so called Government, namely "The Government of People's of Nagaland" with all the trappings of a Government.
- From the manifesto and polarisation and declarations made from time to time, it has been proved that in order to achieve the objectives both the factions of NSCN has taken recourse to arm struggle thereby trying to secede from India. This organisation, namely, NSCN has also united with other Revolutionary organisations to achieve their objects.

In view of what has been stated above both the issues are decided in favour of the Union of India.

Issue Nos. 2 and 4.

In the Annexure 1 to the resume of the Union of India, names of office bearers of two factions of NSCN have been given. Annexure II is a statement showing total number of violence committed by members of NSCN in the States of Nagaland, Manipur and Arunachal Pradesh. There were 30 Nos. of ambushes/attacks and also encounters between members of the security forces and NSCN, 49 Nos. of incidence of killing of informers and civilians, 40 cases of looting of banks and offices, and 14 cases involving looting of arms. Total numbers of civilians killed were 46 and 30 Nos. of members of security forces. From the said Annexure, it appears that more than 60 lakhs of rupees were looted. Annexure III gives full particulars of the cases statewise.

Witness No. 1 is an officer from the State of Arunachal Pradesh and he has proved the report from Deputy Commissioner, Khonsa dated 20-5-89 by which Deputy Commissioner informed the State Government about killing of one person on 18-9-89. Exhibit 2 is a report showing the activities of NSCN in the districts of Arunachal Pradesh bordering Burma and Nagaland. Exhibits 3, 4, 5, 6 and 7 are also reports, proved by this officer, regarding activities of NSCN in the said State. This officer has also sworn an affidavit which is marked as exhibit 9. Witness No. 2 is a police officer of the State of Arunachal Pradesh and he has proved the F.I.Rs. Exhibits 10, 11 and 12. He has specifically stated about the activities of the members of NSCN are only in two districts, namely, Tirap and Changlang.

Witness No. 3 is an official of Government of Manipur and he stated that extremist organisations such as PLA, PREPAK have already been declared as unlawful and confirmed by the Tribunal. This officer has stated that the State Government was of the opinion that NSCN wants areas inhabited by Nagas an Independent State outside of India, which is the main object of the said organisation. He has also stated that members of NSCN are indulging in looting, arson, attacking security forces, killing civilian, innocent political leaders, members of the security forces etc and collecting taxes and ration from villagers and other people mainly located in the hill districts of Manipur. He has stated that the Government of India has been kept informed from time to time about the activities of NSCN in Manipur. Witness No. 4 is a police officer of the Government of Manipur and he has proved the F.I.Rs. in original, marked as exhibits 16 to 128. He has also submitted a list of important cases in which members of NSCN were involved and total number of such cases were 18. The said list has been marked as exhibit 129 and F.I.Rs. have been marked as exhibit 129(1) to (11). He has categorically stated that activities of NSCN are still going on even after the notification in question was issued by the Government of India. According to him during the period from 7-1-91 to 24-4-91 police registered 9 cases for which a list has been prepared and marked as exhibit 130. Exhibit 131(1) to (9) are copies of the F.I.Rs. duly attested. This officer has also proved some documents in the record. A reference can be made to exhibit 146 which is a leaflet issued by chair person and treasurer of National Socialist Womens' Organisation of Nagaland, which according to this officer, is a wing of NSCN.

Witness No. 5 (an officer of the Ministry of Home Affairs) was recalled for re-examination on 17-5-91 for proving some documents including a letter from the Chief Minister of

Nagaland to the Union Minister of State for Home Affairs dated 14-3-91. He has also proved a news paper item dated 9-2-91 and this item shows that even now the NSCN is fixing and collecting taxes in Nagaland.

As the official of the State of Nagaland did not come, F.I.Rs. and some other documents in original could not be proved. Witness No. 5 has stated about the Annexures and Appendices to the resume of the Union of India and Mr. A. R. Borthakur has prayed that these documents may be accepted as secondary evidence, which was allowed.

Appendix I.V to Annexure IV of the resume would show that the commander of 'Naga Army' which is a wing of the NSCN, issued a demand notice for Rs. 1 lakh as a tax.

From the above evidence on record and as there is nothing on rebuttal, this Tribunal holds that NSCN is unleashing a reign of terror in the States of Nagaland, Manipur and Arunachal Pradesh by indulging in violent activities such as ambushes/attacks on security forces/civil police, looting and committing robberies in Government Treasuries etc. and committing assassination of persons including members of security forces and extortion of funds and collection of taxes etc.

Keeping in view the objectives of NSCN as would appear from the findings in respect of issue Nos. 1 and 3 and also the documents on record and evidence adduced, this Tribunal holds that the above activities of NSCN is to disrupt the

sovereignty and territorial integrity of India. Therefore, both the issues are decided in favour of the Union of India.

Issue Nos. 5 and 6.

In view of decision in respect of issue Nos. 1 to 4 this Tribunal has no hesitation in holding that on 27-11-90 when the notification in question, namely, No. S.O. 917(E) dated 27-11-90 was issued under Section 3 of the Act, there were sufficient materials before the Central Government to form the opinion that NSCN is an unlawful association as per the provisions of the Act. There is also justification in view of the nature of the activities and the aims and objects of NSCN to invoke proviso to sub-section (3) of Section 3 of the Act by the Central Government.

In the result, this Tribunal confirms the declaration by the Central Government that NSCN is an unlawful association and consequential the notification No. S.O. 917(E) dated 27-11-90 issued under sub-section (1) of Section 3 of the Act is hereby confirmed. It is needless to say that the expression NSCN also includes all its fractions.

S. N. PHUKAN, Tribunal

[F. No. 11/57/90-NF I]
VINAY SHANKAR, Jt. Secy.